SENATE BILL No. 315

By Committee on Financial Institutions and Insurance

AN ACT concerning the office of the state bank commissioner; pertaining to certain positions in the unclassified service; amending K.S.A. 2011 Supp. 75-2935b, 75-3135 and 75-3135a and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2011 Supp. 75-2935b is hereby amended to read as follows: 75-2935b. Salaries and other compensation of all persons who are within the unclassified service of the Kansas civil service act, and which salaries and other compensation are not fixed by statute, shall be subject to the approval of the governor and such salaries or other compensation shall not be paid until approved by the governor. The provisions of this section shall not apply to the salaries and other compensation of any officer or employee when such salary or other compensation is specifically prescribed by law, nor to officers and employees of elected state officials, officers and employees under the jurisdiction of the state board of regents, the executive secretary and other employees of the Kansas public employees retirement system that are in the unclassified service as specified under K.S.A. 74-4908, and amendments thereto, officers and employees of Kansas, Inc. attorneys, officers and employees of the office of the state bank commissioner as specified under K.S.A. 75-2935, 75-3135 and 75-3135a, and amendments thereto, officers and employees under the jurisdiction of the supreme court, legislative officers and employees of any agency performing functions and duties primarily for the legislative branch.

Sec. 2. K.S.A. 2011 Supp. 75-3135 is hereby amended to read as follows: 75-3135. (a) The bank commissioner shall receive an annual salary to be fixed by the governor with the approval of the state finance council. The bank commissioner is hereby authorized to appoint two deputy commissioners who shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the bank commissioner in accordance with an equitable salary schedule established by the bank commissioner for all unclassified positions. The salaries shall not exceed the average compensation of corresponding state regulatory positions in similar geographic areas. The bank commissioner's salary schedule shall be reported to the state banking board annually.
(b) (1) The deputy commissioner of the banking division shall supervise all banks and trust companies as directed by the bank commissioner and shall perform such other duties as may be required by the bank commissioner.

(2) The deputy commissioner of the consumer and mortgage lending division shall supervise all consumer and mortgage lending functions as directed by the bank commissioner and shall perform such other duties as may be required by the bank commissioner.

(c) If the office of the bank commissioner is vacant or if the bank commissioner is absent or unable to act, the deputy commissioner of the banking division shall be the acting bank commissioner.

(d) (1) The deputy commissioner of the banking division shall have at least five years' experience as a state bank officer or five years' experience as a state or federal regulator.

(2) The deputy commissioner of consumer and mortgage lending shall have at least five years' experience in consumer or mortgage lending, regulatory, legal or related experience.

(e) The bank commissioner is also authorized to appoint or contract for, in accordance with the civil service law, such special assistants and other employees as are necessary to properly discharge the duties of the office.

Sec. 3. K.S.A. 2011 Supp. 75-3135a is hereby amended to read as follows: 75-3135a. (a) Subject to the provisions of appropriation acts, the bank commissioner may appoint regional managers and financial examiner administrators, case managers, examiners and a business manager within the office of the state bank commissioner as determined necessary by the bank commissioner to effectively carry out the mission of the office. All regional managers and financial examiner administrators shall be in the unclassified service under the Kansas civil service act, shall have special training and qualifications for such positions, and shall serve at the pleasure of the bank commissioner and shall receive compensation fixed by the bank commissioner and approved by the governor. The bank commissioner shall prepare and maintain an equitable salary schedule for such appointed positions.

The amount of compensation in the bank commissioner's salary schedule for such appointed positions in the unclassified service shall not exceed the average compensation of corresponding state regulatory positions in similar geographic areas. The bank commissioner's salary schedule for unclassified positions shall be reported to the state banking board annually.

(b) Nothing in subsection (a) shall affect the classified status of any
person employed in the office of the state bank commissioner on the day
immediately preceding the effective date of this act. The provisions of this
subsection shall not be construed to limit the powers of the bank
commissioner pursuant to K.S.A. 75-2948, and amendments thereto.

Sec. 4. K.S.A. 2011 Supp. 75-2935b, 75-3135 and 75-3135a are
hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its
publication in the Kansas register.